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TO

Amend the Law relating to Drunkards in Ireland.

WHEREAS numbers of people are aggrieved or injured in person or property by the Acts of drunken persons and have not sufficient protection by law: A.D. 1902.

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Protection from Drunkards (Ireland) Act, 1902. Short title.

- 10 2. On application of any wife, and when, in the opinion of a court, her husband is— Protection for sober married persons.
- (a) habitually intemperate and drunk; or
- (b) that he habitually fails, without reasonable excuse, to provide due maintenance for her and for their children, whom he is
- 15 liable to maintain; or
- (c) that he habitually and unlawfully assaults her or them, a court may, if it see fit, grant to her an order protecting—
- (1.) Her earnings or separate property.
- (2.) Anything she has purchased or directed to be purchased
- 20 with the same.
- (3.) The wearing apparel and school requirements of the children or step-children, and their earnings, if any.
- (4.) Tools, instruments, appliances, materials, or anything entrusted to her, and not to her husband.
- 25 (5.) Furniture, bedding, and other articles in use as household necessities in the home.
- (6.) Tools, instruments, appliances, or articles in connection with any work, business, or calling by which a wife or her children endeavour to earn money, apart from the
- 30 work, business, or calling of her husband.

[Bill 41.]

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A.D. 1902.

If a husband or any other person wilfully or while under the influence of drink take away or keep, or damage anything so protected without the wife's consent, the person so offending, shall, on her complaint, be liable to the same procedure and punishment as if he had committed a common assault on her, and the court in addition thereto, or in lieu of such punishment, may require him to find bail for future good behaviour.

In like manner, when in the opinion of a court a wife is habitually intemperate and drunk, a husband may be granted a like protecting order, with similar consequences, for—

- (1.) Furniture, bedding, and other articles in use as household necessities in the home.
- (2.) The wearing apparel or school requirements of children or step-children, and their earnings, if any ;
- (3.) Tools, instruments, appliances, materials, or anything under his control, and not entrusted to his wife.

Any pawnbroker who, after a written notice of a protection order under this section, receives articles so protected in pawn, without written authority from the applicant for such order, shall be liable to a fine of *two pounds*, and to restore such articles, or pay their value to the said applicant.

No such protecting order shall interfere with any liability of a husband to poor law guardians for relief given to his wife or children.

The court in which such order was granted may rescind or vary the same from time to time.

Drunkards
and em-
ployers

3. Notwithstanding anything to the contrary in the Employers' and Workman Act, 1875, where the breach of contract for which damages may be awarded under that Act, includes or consists of drunkenness, or was directly contributed to by drunkenness, the court may award imprisonment in default of payment of damages ordered under the Act, as if such damages were a penal sum.

Penalties.

4. Whoever, while in charge of any person, animal, or thing, endangers person or property not his own, by becoming drunk, shall be liable to a fine of not more than *two pounds*, or imprisonment for not more than *one month*.

Expulsion of
drunkards
by owners of
premises.

5. The owner or manager of any premises may require any constable on duty to arrest and remove from such premises any person in his employment who is there drunk. The same rights of arrest and liability to punishment shall thereupon apply to the drunken person as if such person were drunk on a public thoroughfare.

6. Any drunken person who by becoming drunk causes any damage to property specified in sections fifty-two and fifty-three of the Malicious Damage Act, 1861, shall be liable to the provisions of said sections as if damage was "wilful or malicious."

A.D. 1902.
Drunken
persons and
other peoples'
property.

5 7. In or upon the premises of any house let in rooms or sets of rooms to members of different families or to different room-keepers, any person who while drunk uses profane or obscene language or is noisy without lawful excuse, to the annoyance of inmates of portions of the house other than his own, shall be liable
10 at the suit of any person so annoyed to a penalty not exceeding *forty shillings* or *one month's* imprisonment in default; or instead of or in addition thereto he shall be liable to find securities for his good behaviour or be imprisoned for *one month* in default.

Drunks
in tenement
houses

8. The word Court in this Act means "Court of Summary
15 Jurisdiction."

All proceedings under this Act shall be subjected to the Summary Jurisdiction Acts as defined in the Interpretation Act, 1889.

Any husband or wife against whom a protection order under
20 section two is granted, or any other person against whom a conviction order is made under this Act, may appeal against the same in the manner provided in case of appeals in other cases under the Summary Jurisdiction Acts.

Drunkards (Ireland).

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To amend the Law relating to
Drunkards in Ireland.

(Prepared and brought in by
Mr. William Johnston, Mr. O'Hara,
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